REMARKS

Claims 17, 18, 20-22, 24-26, and 28-31 were pending in the above-identified application and were rejected. Claims 19, 23 and 27 were previously cancelled and remain cancelled.

With this Amendment, claims 17, 21 and 25 are amended. Accordingly, claims 17, 18, 20-22, 24-26, and 28-31 remain at issue.

I.   35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 17, 18, 20-22, 24-26, and 28-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fox et al.* (U.S. Patent No. 6,560,581) in view of *Hoffman et al.* (U.S. Patent No. 5,613,012), or *Kawakita* (JP 408287202A) ("*Kawakita*"). Applicant respectfully traverses this rejection.

In relevant part, each independent claim 17, 21 and 25 recites calculating a correct fee based on service request data if the validity of a charge is not confirmed.

This is clearly unlike *Fox*, which fails to disclose calculating a correct fee based on service request data if the validity of a charge is not confirmed. Instead, *Fox*, discloses sending payment requests from a merchant 304 directly to a bank for processing and payment. See, U.S. Pat. No. 6,560, 581, Col. 25, l. 49-66. Since *Fox* discloses sending data directly to a bank for processing and payment, it fails to disclose or suggest a required element of the claims.

Hoffman, similarly, fails to disclose calculating a correct fee based on service request data if the validity of a charge is not confirmed. Instead, *Hoffman* discloses presenting a message to a user upon the failure of the authorization of a transaction. See, U.S. Pat. No. 5,613,012, Col. 48, l. 47-58. Since *Hoffman* discloses presenting a message to a user when a transaction fails, it does not disclose or even suggest a required element of the claims.

Kawakita, similarly, fails to disclose calculating a correct fee based on service request data if the validity of a charge is not confirmed. Instead, *Kawakita* is directed the authentication of data on a IC card via a online service. See, JP 408287202A, Abstract.

As the Applicant's specification teaches, by the calculating a correct fee based on service request data if the validity of a charge is not confirmed, involvement of the service provider in correcting the transaction is not required, thereby simplifying the processing process. See, U.S. Pat. Pub, 2002/00226415, Para. [0046].

Therefore, because *Fox, Hoffman, Kawakit* and any combination of them fails to disclose or even fairly suggest all the features of claims 17, 21 and 25, the rejection of those claims cannot stand. Since claims 18, 20, 22, 24, 26, and 28-31 depend, either directly or indirectly from claims 17, 21 and 25, they are allowable for at least the same reasons.

II.   **Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are

clearly allowable over the cited prior art, and respectfully requests early and favorable

notification to that effect.

Respectfully submitted,

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